



An
Bord
Pleanála

Inspector's Report

ABP-305377-19

Development	Change of house type to residential dwelling & garden shed.
Location	Rosshill Road Roscam Galway.
Planning Authority	Galway City Council
Planning Authority Reg. Ref.	19/186
Applicant(s)	Proofridge Ltd.
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Dr. Martin J. Fahy
Observer(s)	None
Date of Site Inspection	13/12/2019
Inspector	Gillian Kane

1.0 Site Location and Description

- 1.1.1. The subject site is located on the southern side of Rosshill Road in the Galway village of Roscam. The village reads as a series of one-off dwellings rather than a defined settlement. The area is rural, with narrow unsurfaced roads and dwellings on large plots with no uniformity of design.
- 1.1.2. The subject site refers to the roadside plot on a larger development site. The subject site is an infill plot between a series on two-storey dwellings on a narrow cul-de-sac. The site has been set back from the road with a concrete footpath and narrow landscaping strip. A painted wooden fence separates the site from the remainder of the development site.

2.0 Proposed Development

- 2.1. On the 26th June 2019 planning permission was sought for a change of house type on site no. 1, from that previously granted permission under PL10/212 and 16/109 and associated garden shed. The subject site is 1.07ha and the proposed dwelling has a gross floor area of 190sq.m.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 15th of August 2019, the Planning Authority issued a notification of their decision to GRANT permission subject to 5 no. conditions. Condition no. 4 requires that all site boundary treatments be in accordance with the parent permission 10/212 and 16/109.

3.2. Planning Authority Reports

- 3.2.1. **Planning Report:** Proposed house type change is in keeping with the character of the permitted and surrounding development. Would not impinge on the residential amenities of adjoining properties.

3.3. Third Party Observations

- 3.3.1. Two objections to the proposed development were submitted to the Planning Authority. The issues raised included boundary wall, screening, street lighting and

overlooking, statutory obligations, public notices, environmental assessment, scale of proposed dwelling.

4.0 Planning History

4.1.1. **ABP-302635-18:** Permission was GRANTED for the retention of changes to the vehicle and pedestrian layout and REFUSED for the change of house type for the following reason:

- 1 The proposed House type A on this infill plot on a narrow, unsurfaced rural cul-de-sac is considered to be of a scale, size and bulk that is out of proportion with the narrow site. The suburban design of the proposed dwelling is out of character with the rural area. The large two storey windows in close proximity to the adjoining dwellings would seriously injure the residential amenity and privacy of the adjoining dwellings to the east and west. The proposed dwelling is considered to be visually obtrusive, without insufficient screening proposed. The proposed development is contrary to the proper planning and sustainable development of the area.

4.1.2. Planning Authority reg. ref. **08/144:** Planning permission granted for the demolition of existing dwelling and the construction of detached two-storey dwelling.

4.1.3. Planning Authority reg. ref. **10/212:** Planning permission granted for the construction of 4 no. dwellings

4.1.4. Planning Authority reg. ref. **16/109:** Extension of time granted to ref. no. 10/212

5.0 Policy Context

5.1. Galway City Development Plan 2017-2023

5.1.1. The site is located on lands zoned as Low Density Residential (LDR) where it is an objective "To provide for low-density residential development which will ensure the protection of existing residential amenity." Residential use is permitted in principle in such areas.

5.1.2. **Policy 2.9** Low Density Residential Areas (LDR) seeks to Protect the character of these areas by ensuring new development has regard to the prevailing pattern, form and density of these areas and Protect the characteristics of these areas through development standards and guidelines.

5.2. **Natural Heritage Designations**

The site is located less than 1km from the of the Galway Bay Complex SAC (site code 00268) and the Inner Galway SPA (site code 04031).

5.3. **EIA Screening**

- 5.3.1. Having regard to nature of the development comprising change of house type only and the location of the site there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- 6.1.1. A third-party appeal against the decision of the Planning Authority to grant permission and retention permission has been submitted to the Board by Martin J. Fahy of Rosshill Road, Roscam. The grounds of the appeal can be summarised as follows:

- The site notice was back dated, contrary to article 19 of the Planning and Development Regulations. The newspaper notice fails to comply with article 18(1)(c) of the Planning and Development Regulations as a change of house type is not a category of planning. The information in the application form is misleading and inaccurate. The development must be deemed invalid as regards the directors of the company that have applied for permission.
- The applicant has failed to comply with the planning conditions in terms of the access road and footpath, site layout, storm water drainage and gardens.
- The subject development is in close proximity to numerous waste treatment systems. The proximity of the subject site to 11 no. EU protected sites, particularly the Galway Bay Complex SAC. The proposed development must comply with the Habitats Directive and relevant CJEU case law. The principle of a dwelling in the site remains subject to the EIA directive. AA screening and / or an NIS are required. The subject and adjoining sites have karstic limestone outcrops throughout. Previous applications on site failed to disclose the presence of the Roscam karst spring and the direct ecological link to the protected sites. The site

was not subject to geo-technical or hydrological investigations. The development has resulted in the permanent loss of 2.5ha of limestone pavement.

- The subject site is very narrow and the proposed dwelling and shed are excessive. The proposed dwelling will be visually obtrusive, being only marginally lower 0.4m than that previously rejected by the Board.

6.2. Applicant Response

6.2.1. The response of the Applicant can be summarised as follows:

- The proposed house has been designed in accordance with rural housing design guidelines and the An Bord Pleanála Inspectors report (302635).
- The proposed dwelling will assimilate into the surroundings. It has a long narrow plan, render finish with natural stone and hardwood cladding. This matches the three other dwellings. The narrow form allows greater separation distances between dwellings and site boundaries.
- The application complies with the regulations and is valid.
- No unauthorised development has been carried out.
- There is no karst limestone on site. The proposed development will not have an adverse impact on any European site.
- The appellants dimensions are incorrect. The dimensions of the proposed dwelling are largely the same as currently permitted. The proposed dwelling and garden shed are for private use.
- The Board is requested to grant permission.

6.3. Planning Authority Response

6.3.1. The response of the Planning Authority can be summarised as follows:

- The service layout submitted in compliance with the previous application is correct. The road width is correct on site but shown incorrectly on the drawing.
- The principle of a dwelling on this site has been established.
- Water quality and the regional karst aquifer will be protected by the proposed waste water treatment system which is in compliance with the EPA code of practice.

- The proposed dwelling and shed are in keeping with the character and nature of the site and the wider area. The proposed modern interpretation of a traditional dwelling raises no over-looking or over-development concerns.
- The public notices and application form comply with statutory obligations.
- The Board is requested to grant permission.

6.4. **Observations**

6.4.1. None on file

6.5. **Further Responses**

6.5.1. None on file

7.0 **Assessment**

7.1.1. I have examined the file and the planning history, considered national and local policies and guidance and inspected the site. I have assessed the proposed development and I am satisfied that the single issue is the proposed change of house type. The issues raised by the third-party appellant regarding breaches of previous planning permissions or public notification procedures are not matters for the Board.

7.2. **Change of House Type**

7.2.1. The principle of a dwelling on the subject site has been established. Permission is sought for a change of house type only.

7.2.2. The Board refused permission for a change of house type under 302635 on the grounds that the proposed house type was of a scale, size and bulk that was out of proportion with the narrow site, the suburban design of the dwelling was out of character and the windows on both east and west elevations would cause overlooking of adjoining sites.

7.2.3. The proposed dwelling has attempted to address these concerns, with a narrow form that responds to the narrow nature of the subject house. The proposed gable-fronted dwelling is contemporary in design, with a pitched roof and a two storey flat-roofed eastern section. On the eastern elevation there are only two windows, both of which illuminate an en-suite and therefore are of obscured glazing. The fenestrational

pattern on the western pattern is a series of smaller windows at first floor, with three rooflights. I am satisfied that the distance to the dwelling to west is such that no overlooking will occur. It is considered the proposed dwelling will integrate satisfactorily with the existing pattern of development and will set an appropriate marker at the entrance to the permitted development on the rear of the site. the proposed dwelling change will respect the residential amenity of the adjoining properties.

7.3. Appropriate Assessment

- 7.3.1. The site is located less than 1km from of the Galway Bay Complex SAC (site code 00268) and the Inner Galway SPA (site code 04031). The Galway Bay Complex is a very large (14,408.98ha) marine dominated, made up of subsidiary bays, inlets and islands. The Inner Galway Bay SPA is a very large, marine dominated, site which supports internationally important wintering populations. Given the nature of the proposed development which is a change of house type and the nature of the receiving environment which is a built-up area, no appropriate assessment issues arise and it is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects, on a European site.

8.0 Recommendation

- 8.1.1. It is recommended that permission be granted subject to conditions for the reasons and considerations set out below.

9.0 Reasons and Considerations

- 9.1 Having regard to the zoning objective of the area, the design, layout and scale of the proposed development and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the development would not seriously injure the visual amenities of the area or residential amenity of property in the vicinity. The proposed development for which permission is sought would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

- 1 The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

- 2 Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

3. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Classes 1, 3 and 5 of Schedule 2, Part 1 to those Regulations shall take place within the curtilage of the house without a prior grant of planning permission.

Reason: In the interest of orderly development, and to allow the planning authority to assess the impact of any such development on the amenities of the area through the statutory planning process

Gillian Kane
Senior Planning Inspector

16 December 2019